Patent
Attorney's Docket No. P2232C-773

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	
	)	
Ian HENDRY et al.	)	Group Art Unit: 2185
	)	
Application No.: 09/927,411	)	Examiner: T. Du
	)	
Filed: August 13, 2001	)	Confirmation No.: 7456
	)	
For: SYSTEM FOR REAL-TIME ADAPTATION TO CHANGES IN DISPLAY CONFIGURATION	)	

REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a reply for the above-identified patent application.

[X] No additional claim fee is required.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____
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Date: April 1, 2003

Copy of #9

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REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Office Action issued on January 30, 2003, reconsideration and allowance of the above-identified application are respectfully requested. Claims 22-97 remain pending.

Applicants note with appreciation the Examiner's consideration of the documents cited in the Information Disclosure Statement filed February 7, 2002.

In the second and third paragraphs of the Office Action, claims 22-97 are rejected under the judicially created doctrine of obvious-type double patenting as allegedly being unpatentable over claims 1-33 of U.S. Patent No. 6,282,646 ("the '646 patent"). This ground of rejection is respectfully traversed.

MPEP § 804(II)(B)(1) discusses the requirements of an obvious-type double patenting rejection. This section states that "any analysis employed in an obvious-type

double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. § 103 obviousness determination." This section goes on to discuss that all obvious-type double patenting rejections should make clear: (A) the differences between the inventions defined by the conflicting claims; and (B) the reasons why a person of ordinary skill in the art would include that the invention defined in the claims an issue as an obvious variation of the invention defined in a claim in the patent.

In the rejection of Applicants' claims 22-97, the Office Action does not identify individual claims in the '646 patent, indicate how these individual claims correspond to particular claims in the present application, or indicate how each of the individual claims is an obvious variation of one of the claims in the '646 patent. The Office Action has also not identified all of the differences between the conflicting claims. For example, although the Office Action does not indicate which claims in the '646 patent conflict with the claims of the present application, it appears that the Office Action is asserting that claim 22 of the present application conflicts with claim 1 of the '646 patent. However, claim 1 of the '646 patent does not include the step of receiving an indication of an addition of an input/output device to a frame buffer associated with the computer system as recited in Applicants' claim 22. Since the Office Action has not identified this difference, the Office Action has not provided reasons why one of ordinary skill in the art would conclude that the claims of the present application are an obvious variation of the claims in the '646 patent. Since the Office Action has not individually addressed the claims of the present application, since the Office Action has not identified all of the differences between the

claims of the present application and the claims of the '646 patent, and since the Office Action has not provided reasons why one of ordinary skill in the art would conclude that the claims of the present application are an obvious variation of the claims of the '646 patent, it is respectfully submitted that the rejection of claims 22-97 under the judicially created doctrine of obvious-type double patenting is improper. Accordingly, withdrawal of this rejection is respectfully requested.

In the fourth through tenth paragraph of the Office Action, claims 22-97 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over "applicant's admission of prior art" ("AAPA") in view of "Software Architecture for the Support of Multiple Adaptors on an Interrupt Level ("IBM"). This ground of rejection is respectfully traversed.

The combination of AAPA and IBM does not render Applicants' claim 22 unpatentable because the combination does not disclose or suggest all of the elements of Applicants' claim 22. For example, the combination of AAPA and IBM does not disclose or suggest the step of "receiving an indication of an addition of an input/output device to a frame buffer associated with the computer system." Moreover, the combination does not disclose or suggest the step of "determining, in response to the indication, whether the input/output device that has been added is a display device." Additionally, the combination does not disclose or suggest the steps of "providing a notification to a display manager" and "associating, by the display manager, the frame buffer" as recited in Applicants' claim 22.

To reject Applicants' claim 22, the Office Action asserts that the discussion on page 2, lines 3-9 of the present application are the alleged AAPA. The paragraph on page 2, lines 3-15 of the present application discusses how conventional computer systems address changes in configuration. This section discusses that such changes only become effective upon a restart or reboot. This section also discusses that it is during the initial start-up procedure that the operating system detects the presence of each device driver loaded on the system and registers the detected drivers to permit communications between the operating system and the device associated with the driver. This section discusses that if a new device and corresponding driver are added to the system after the initialization procedure, the driver will not be registered with the operating system, and communication with the device cannot be performed until the operating system goes through its initialization procedure again.

The Office Action asserts that page 2, lines 3-9 of the present application discloses the step of providing a notification to a display manager. However, this section does not discuss the use of a display manager, and hence, cannot disclose or suggest a step of providing a notification to a display manager. The Office Action also asserts that page 2, lines 3-9 of the present application discloses the step of "associating, by the display manager, a frame buffer." However, this section does not discuss a display manager or a frame buffer. Hence, this section cannot disclose or suggest the step of associating, by the display manager, the frame buffer as recited in Applicants' claim 22.

The Office Action recognizes that the alleged AAPA does not disclose or suggest the steps of receiving an indication and determining recited in Applicants' claim 22. To remedy this deficiency, the Office Action cites IBM. IBM discloses a technique that allows several adaptor cards to drive the same interrupt level on a personal computer. IBM discloses the use of an interrupt handler which employs a linker routine, a checker routine, and an interrupt service routine. However, like AAPA, IBM does not disclose the use of a device manager, and does not mention a frame buffer. Accordingly, IBM, like AAPA, does not disclose or suggest the steps of "providing a notification to a display manager" and "associating, by the display manager, the frame buffer" as recited in Applicants' claim 22. Additionally, IBM does not disclose or suggest the step of "receiving an indication of an addition of an input/output device to a frame buffer." Hence, IBM cannot disclose or suggest a determination in response to such an indication as recited in Applicants' claim 22.

Since the combination of AAPA and IBM does not disclose or suggest all of the elements of Applicants' claim 22, the combination cannot render Applicants' claim 22 unpatentable.

Independent claims 43, 64, 85, 90 and 94 recite similar elements to those discussed above with regard to Applicants' claim 22. Accordingly, claims 43, 64, 85, 90 and 94 are patentably distinguishable over the combination of AAPA and IBM for similar reasons to those discussed above with regard to Applicants' claim 22.

With regard to the rejection of claims 24-35, 66-77, 87 and 95, it is respectfully submitted that the rejection of these claims is improper because the proper standard of patentability has not been applied against these claims. Specifically, to reject these claims the Office Action states:

> AAPA and IBMTDB teach the invention substantially as set forth in claims 22, 64, 85 and 94. At the time of the invention, one of ordinary skill in the art would have readily recognized that AAPA and IBMTDB may obviously teach the method steps of claims 22, 64, 85 and 94 as set forth in claims 22-35, 67-77, 87 and 95.

This statement in the Office Action is merely conclusory and does not indicate why "one of ordinary skill in the art would have readily recognized that AAPA and IBMTDB may obviously also teach the method steps of claims 22, 64, 85 and 94 as set forth in claims 24-35, 66-77, 87 and 95." Additionally, the Office Action has not indicated where a disclosure or suggestion of the elements recited in claims 24-35, 66-77, 87 and 95 can be found either in AAPA or in IBM. Accordingly, it is respectfully submitted that the rejection of these claims, without indicating where a disclosure or suggestion of the elements recited in these claims can be found, it is improper.

With regard to the rejection of claims 36-42, 78-84, 88-89, and 96-97, the Office Action again supports the rejection of these claims with a conclusory statement, and does not provide a prior art disclosure of the elements of these claims. For example, the Office Action merely concludes that "one of ordinary skill in the art would have readily recognized that AAPA and IBMTDB may obviously also teach the method steps for

reconfiguring the system when a display device is removed." However, page 2, lines 3-15 of the present application and IBM do not disclose or suggest how the systems operate when a display device is removed. Accordingly, the Office Action has not provided a prior art reference which discloses or suggests what the Office Action alleges is obviously taught by the applied documents. Accordingly, it is respectfully submitted that the rejection of these claims is improper.

Regardless, claims 23-42, 44-63, 65-84, 86-89, 91-93, and 95-97 variously depend from independent claims 22, 43, 64, 85, 90 and 94, and are, therefore, patentably distinguishable over the combination of AAPA and IBM for at least those reasons stated above with respect to independent claims 22, 43, 64, 85, 90 and 94.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 22-97 as allegedly being unpatentable over the combination of AAPA and IBM be withdrawn.

All outstanding objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice to this effect is earnestly solicited. If there are any questions regarding this response, or the application in general, the Examiner is encouraged to contact the undersigned at 703-838-6578.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____

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